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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**CV '07 - 1735**

**HU**

BOYDSTUN METAL WORKS INC., an  
Oregon corporation,

Plaintiff,

v.

ROBERT B. COLEMAN, an individual,

Defendant.

No. \_\_\_\_\_

**[PROPOSED] TEMPORARY  
RESTRAINING ORDER AND ORDER  
TO SHOW CAUSE WHY  
PRELIMINARY INJUNCTION SHOULD  
NOT ISSUE**

By Plaintiff

Pursuant to Fed. R. Civ. P. 65

THIS MATTER having come before the Court for hearing on Plaintiff's Motion for a Temporary Restraining Order; and the Court having considered the Complaint in this action, Plaintiff's Motion for a Temporary Restraining Order, and supporting papers ("Motion"), and arguments of counsel, the Court finds:

(a) that Plaintiff has demonstrated that it is likely to prevail on the merits of its claims in this matter;

1- ORDER GRANTING TEMPORARY  
RESTRANING ORDER

17462-0025/LEGAL13742307.1

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(b) that Plaintiff will likely suffer irreparable harm if Defendant is not restrained on the terms set forth in this Order;

NOW, THEREFORE, it is hereby ORDERED as follows:

1. Defendant Robert B. Coleman ("Coleman") is restrained from commencing or continuing employment, owning, consulting, advising, or working in any capacity with Precision Services of Jacksonville, Inc. or any other company doing business servicing, manufacturing, or selling auto hauler trailers in the United States. Coleman is restrained from or engaging in any line of business in the United States that is the same as or competes with Boydston.

2. Defendant Coleman is temporarily restrained from communicating with persons whom Coleman knows or reasonably should know to be current employees of Boydston. Defendant is further restrained from soliciting or employing any past or present employee of Boydston to work for Precision Services of Jacksonville, Inc. or any other company doing business servicing, manufacturing, or selling auto hauler trailers in the United States.

3. Defendant Coleman is temporarily restrained from calling upon, soliciting, diverting, accepting business from existing, past, and potential customers of Boydston and the business referred to as Robbie's Welding, Repair and Fabrication Boydston purchased from Defendant.

*The parties shall participate in a telephone status conference with the Court on*  
~~4. Defendant shall appear before this Court on 12/14/2007, at 10:00 a.m., Pacific Time, before The Honorable \_\_\_\_\_, for a hearing on Boydston's motion for preliminary injunction, and then and there show cause, if any there be, why a preliminary injunction should not issue against Defendant.~~

5. The parties, to the extent necessary and practicable, shall engage and cooperate in expedited discovery, including depositions and the production of documents and things, in preparation for the preliminary injunction show cause hearing described immediately above.

2- ORDER GRANTING TEMPORARY  
RESTRANING ORDER

6. Plaintiff's preliminary injunction papers, to the extent not already served on counsel for Defendant, shall be filed with the Court and served on counsel for Defendant not later than 4:00 p.m. on \_\_\_\_\_, 2007.

7. Defendant's answering papers, if any, shall be filed with the Court and served on counsel for Plaintiff not later than 4:00 p.m. on \_\_\_\_\_, 2007.

8. Plaintiff's reply papers, if any, shall be filed with the Court and served on counsel for Defendant not later than 4:00 p.m. on \_\_\_\_\_, 2007.

9. This temporary restraining order shall be effective until a ruling by the Court. ~~remain in effect until further order of the Court, Boydston's motion for preliminary injunction, or on the tenth day following entry by the Court, unless extended by the Court or by stipulation of the parties.~~

10. Boydston shall promptly post a bond of \$10,000 with the Clerk of the Court.

DATED this 28<sup>th</sup> day of November, 2007 at 1:50 pm o'clock pm.

ann j. brown  
UNITED STATES DISTRICT JUDGE

Presented by:

PERKINS COIE LLP

By SLA SH  
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Attorneys for Plaintiff

3- ORDER GRANTING TEMPORARY  
RESTRANING ORDER